

# Statutory Compliance Table

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>				
<b>Section 1.3</b>	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	<p>The proposed development will benefit the social welfare of the community by providing high-quality affordable and private market housing on the site.</p> <p>The proposal will provide housing to address a growing and critical need for residential development and contribute to alleviating the existing housing crisis in New South Wales.</p> <p>The proposal will also create an opportunity to improve the natural and built environmental outlook of the site. The future detailed design will be carefully designed to complement its built context and integrate high quality landscaping.</p>	Yes	<b>Section 4</b>
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The proposed development is informed by the principles of ecologically sustainable development.</p> <p>It incorporates neighbourhood shops, which will provide a local convenience function for the community and reduce the need for travel. Additionally, the proposal will address a critical requirement for affordable housing and create a small number of permanent jobs.</p> <p>Furthermore, the future detailed design for the building will improve upon minimum legislated BASIX benchmarks in line with the City of Sydney Design Excellence guidelines:</p> <ul style="list-style-type: none"> <li>▪ Energy 40%</li> <li>▪ Water 50%</li> </ul>		

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	<i>To promote the orderly and economic use and development of land</i>	<p>The proposal will result in an orderly and economic use of the subject site. The proposed mix of land uses are permitted with consent on the MU1 Mixed Use zone and the works are in accordance with the zone objectives.</p> <p>The project will support the retail offerings along Macleay Street, while delivering high quality affordable and market housing on site.</p>	Yes	
	<i>To promote the delivery and maintenance of affordable housing,</i>	<p>The proposal will dedicate 15% of the total gross floor area to affordable housing units. The proposal enables the location of affordable housing in proximity to public transport, social infrastructure, public open space and Sydney's CBD.</p> <p>The affordable housing will be maintained for a period of at least 15 years and will be managed by a registered community housing provider, refer to <b>Appendix Z</b>.</p>	Yes	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>This proposal will have a negligible to non-existent impact on threatened species or other native flora and fauna, and ecological habits. The proposal is limited to a previously developed portion of land and has limited potential to create any negative impacts on flora and fauna.</p> <p>A BDAR waiver was recieved on 28 February 2025.</p>	Yes	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>The existing building on the site is nominated as a 'detracting' item to the Potts Point Heritage Conservation Area (HCA) and relates poorly to the surrounding public domain.</p> <p>The historic significance of the Potts Point HCA largely relates to the earlier buildings on the site that were</p>	Yes	

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		<p>demolished for the existing development and therefore the building does not relate to the key periods of significance for the Potts Point HCA.</p> <p>The proposed development will form an improved outcome for the Potts Point HCA and surrounding heritage items as it creates an opportunity for the future built form to make a positive contribution to the conservation area and surrounding items.</p> <p>The future built form is subject to a Design Competition, and the endorsed brief instructs the contestants to develop a design that complements the site's heritage context.</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared for the site and concluded that no known Aboriginal objects or Aboriginal places have been identified that are within or likely to be within the curtilage of the subject area. As the subject area has been subjected to a high level of historical ground disturbance and it is unlikely that any intact natural topsoil remains anywhere in the subject area, the archaeological potential of the subject area is assessed to be Nil to Very Low.</p>		
	<i>To promote good design and amenity of the built environment,</i>	<p>The detailed design of the proposed mixed-use development will be subject to a Design Excellence competition in accordance with clause 6.21 of the Sydney LEP.</p> <p>This design excellence process will ensure that the future development on the site (to be addressed in a detailed SSDA) achieves a high standard of architectural, urban, and landscape design.</p>	Yes	

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	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposal will be constructed and maintained in accordance with any relevant Australian Standards and Building Code of Australia (BCA) provisions. This will be addressed as part of the future detailed SSDA for the site.	Yes	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The proposal promotes the sharing of responsibility for environmental planning and assessment between state and local government through ensuring compliance with local and state legislation and policies.	Yes	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	The applicant has undertaken stakeholder and community engagement including with surrounding landowners and occupiers. This was undertaken throughout the pre-lodgement process and will continue through the assessment process with public exhibition and further, with the detailed SSDA. The applicant will respond to any submissions within the formal public exhibition phase.	Yes	
<b>Section 4.15</b>	Relevant environmental planning instruments:  <i>Biodiversity Conservation Act 2016</i> <i>Environmental Planning and Assessment Act 1979</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	See detail below under State Environmental Planning Policies (SEPPs).	Yes	<b>Section 4</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Housing) 2021</i> <i>State Environmental Planning Policy precincts - (Eastern Harbour City ) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>			
	Draft environmental planning instruments:	Consideration of the Draft Sydney Local Environmental Plan amendments under (PP-2024-709) is provided further below in this table.	Yes	<b>Section 4</b>
	Relevant planning agreement or draft planning agreement	Not Applicable	N/A	
	Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	Yes	<b>Section 4</b>
	Development control plans: <i>Sydney Development Control Plan 2012</i>	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of the Policy) do not apply to state significant development. Notwithstanding this, an assessment has been undertaken of the proposal against the key development controls. Please see details below under the 'Development Control Plan.'	Yes	<b>Section 4</b>
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development, including the environmental impacts on the natural and built environments, and social and economic impacts on the locality, are assessed in detail within the EIS.	Yes	<b>Section 6</b>

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	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Yes	<b>Section 2</b>
	Any submission made	Submissions will be considered following exhibition of the application.	Yes	
	The public interest	The proposal is in the public interest as it delivers diverse and affordable housing in an accessible location. The proposal delivers a development outcome consistent with the vision established by all levels of strategic planning which seeks to facilitate additional housing and transport-oriented development. Subject to the implementation of the recommended mitigation measures, no adverse social or environmental impacts would result from the proposal during the construction and operation of the development.	Yes	<b>Section 4</b>
<b>Section 4.22 concept development applications</b>	<p>(1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.</p> <p>(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.</p> <p>(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.</p> <p>(4) If consent is granted on the determination of a concept development application, the</p>	<p>This application seeks consent for the concept envelope of a new mixed-use development only. A future application will be submitted to address the detailed development further.</p> <p>The impacts assessed as part of this application are limited to the concept envelope only.</p>	Yes	<b>Section 4</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<p>consent does not authorise the carrying out of development on any part of the site concerned unless—</p> <p>(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or</p> <p>(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.</p> <p>The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.</p> <p>(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.</p>			

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<b>Schedule 2</b>	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Yes	<b>Section 4</b>
<b>Biodiversity Conservation Act 2016</b>				
<b>Section 7.14</b>	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	In accordance with Section 7.9(2) of the BC Act, a BDAR waiver was received for the application on 28 February 2025.	Yes	<b>Appendix S</b>
<b>State Environmental Planning Policies</b>				
<b>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</b>	<p>Clause 26A of Schedule 1 of the Planning Systems SEPP provides that development for the purpose of infill affordable housing is classified as SSD if:</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</p> <p>(ii) for development on other land—more than \$30 million, and</p>	The proposal is for the purpose of infill affordable housing and the residential component of the development has an estimated development cost (EDC) of \$82,310,000. The development does not involve uses prohibited under an EPI.	Yes	<b>Appendix D</b>



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	(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.			
<b>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&amp;H SEPP)</b>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	<p>A Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) have been prepared for the proposed development by JKE and is attached at <b>Appendix M</b> and <b>Appendix N</b>. The DSI concluded that the site can be made suitable for the proposed development, subject to remediation works and the implementation of a Remedial Action Plan.</p> <p>As per the DSI recommendations, a Remediation Action Plan (RAP) has been prepared by JK (<b>Appendix O</b>). The RAP provides a methodology to remediate and validate the site and concludes the site can be made suitable for the proposed development via remediation.</p> <p>As the proposal is for concept approval only and does not involve any site preparation, excavation or demolition works, it is anticipated that a future detailed application on the site would include the mitigation measures set out in the RAP as conditions of consent.</p>	Yes	<p><b>Section 4</b> <b>Appendix M</b> <b>Appendix N</b></p> <p><b>Appendix O</b></p> <p><b>Section 6.2</b></p>
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&amp;I SEPP)</b>	Section 2.122 of the T&I SEPP states that development that is specified in Column 1 of the Table to Schedule 3 that involves new premises of the relevant size or capacity, or an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity, a consent authority must give written notice of the application to TfNSW.	<p>The proposal is supported by a Traffic Impact Assessment (TIA) which concludes that:</p> <ul style="list-style-type: none"> <li>▪ The site does not have a direct frontage to a classified road, therefore not triggering the assessment requirements of clause 2.119 of the SEPP.</li> <li>▪ The site does not adjoin a road with an annual average daily traffic volume of more than 20,000</li> </ul>	Yes	<b>Appendix K</b> <b>Appendix 6.2</b>

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	Schedule 3 of the Transport and Infrastructure SEPP requires development for the purposes of residential accommodation to be referred to Transport for NSW (TfNSW) if the proposal does not have access, or does not connect to a road that has access, to a classified road and includes 300 or more residential dwellings.	<p>vehicles, therefore not triggering the assessment requirements of the T&amp;I SEPP; and</p> <ul style="list-style-type: none"> <li>The proposal will provide for fewer than 300 dwellings and is not expected to impact the operation of the local road network and is therefore not considered to be 'traffic generating development' as defined under Schedule 3 of the T&amp;I SEPP.</li> </ul>		
<b>State Environmental Planning Policy (Sustainable Buildings) 2021</b>	Chapter 2 of the Sustainable Buildings SEPP requires BASIX development to comply with the standards set out in Schedule 1. The standards relate to energy and water use and thermal performance.	<p>This application seeks concept approval only.</p> <p>A BASIX Certificate will be supplied at the detailed development application stage.</p> <p>Nonetheless, the application has made the following commitments:</p> <ul style="list-style-type: none"> <li>BASIX Energy 60%</li> <li>BASIX Water 40%</li> </ul>	Yes	<b>Appendix R</b>
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	<p>The accompanying Arboricultural Impact Assessment demonstrates how the proposal seeks to minimise tree removal as much as possible.</p> <p>There are currently seven trees on the adjoining site (council's public domain) on Macleay street and Macdonald Street. To protect and retain these trees, the Arborist Report details mitigation measures that will need to be adopted at Detailed DA stage. This matter will be further resolved at Detailed DA stage, where is it anticipated the retention of the trees will form a condition of development consent.</p>	Yes	<b>Appendix Q</b>

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<b>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</b>				
<b>Chapter 2 Division 1 Infill affordable housing</b>				
<b>15C Development to which division applies</b>	<p>(1) This division applies to development that includes residential development if—</p> <p>(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and</p> <p>(b) the affordable housing component is at least 10%, and</p> <p>(c) all or part of the development is carried out—</p> <p>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or</p> <p>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</p>	<p>Chapter 2 Division 1 of the Housing SEPP applies to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The proposed development is permitted with consent in the Sydney LEP.</li> <li>▪ 15% of the total GFA will be provided as affordable housing.</li> <li>▪ The site is located in the City of Sydney, which is within a region identified in the Six Cities Region.</li> <li>▪ Additionally, the development will be carried out in an accessible area as defined by the Housing SEPP. The site is located approximately 750 metres walking distance of the public entrance to the Kings Cross Train.</li> <li>▪ The site is also located within 200m walking distance of a bus stop used by a regular bus service. The nearest bus stops on Macleay Street are serviced by the 311 bus service, which provides multiple services throughout the hour (including but not limited to between 6 am and 9pm Monday to Friday and 8am to 6pm on Saturday and Sunday).</li> <li>▪ Accordingly, the site satisfies the definition of “accessible area” as set out within the Housing SEPP and Chapter 2 Part 2 Division 1 is applicable to the development.</li> </ul>	Yes	<b>Section 4</b>
<b>16 Affordable housing requirements for additional floor space ratio</b>	<p>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of</p>	<p>As the proposed development provides an affordable housing component of at least 15% of the total GFA, it is eligible for an additional floor space ratio of up to 30%.</p>	Yes	<b>Section 4</b>

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	<p>up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</p> <p>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> <p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p>Example—  <i>Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</i></p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	<p>The applicable FSR under the Sydney LEP is 3:1. Applying the 30% additional FSR, the maximum FSR enabled by the Housing SEPP is 3.9:1 (5,027.1m<sup>2</sup>). The proposal is also seeking a 10% design excellence bonus in accordance with clause 6.21D of the Sydney LEP 2012. The maximum permissible FSR with the 10% design excellence bonus and 30% affordable housing bonus is 4.29:1, allowing for a total permissible GFA of 5,529.8m<sup>2</sup>.</p> <p>The proposed development is also eligible for an additional 30% above the maximum building height under the Sydney LEP. The maximum permissible height under the Sydney LEP is 35m, making the maximum permissible height under the Housing SEPP 45m. The maximum height with the 10% design excellence bonus is 50.05m.</p>		
<b>19 Non-discretionary development</b>	(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—	The subject site has an area of 1,289 sqm and therefore complies with clause 19(2)(a).	No - See discussion.	<b>Section 3.5</b> <b>Appendix P</b> <b>Appendix K</b>

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<b>standards—the Act, s 4.15</b>	<p>(a) a minimum site area of 450m<sup>2</sup>,  (b) a minimum landscaped area that is the lesser of—  (i) 35m<sup>2</sup> per dwelling, or  (ii) 30% of the site area,</p> <p>(c) a deep soil zone on at least 15% of the site area, where—  (i) each deep soil zone has minimum dimensions of 3m, and  (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p> <p>(e) the following number of parking spaces for dwellings used for affordable housing—  (i) for each dwelling containing 1 bedroom— at least 0.4 parking spaces,  (ii) for each dwelling containing 2 bedrooms— at least 0.5 parking spaces,  (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,  (f) the following number of parking spaces for dwellings not used for affordable housing—  (i) for each dwelling containing 1 bedroom— at least 0.5 parking spaces,</p>	<p>The concept landscape plan proposes a landscape coverage of 50% of the site area (including on-structure and ground-level planting).</p> <p>The proposed development includes 10.3% coverage of deep soil on site. This slight non-compliance with the non-discretionary standard is justified for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ the proposal represents a significant increase in deep soil from the existing site which currently provides no deep soil planting or tree canopy cover</li> <li>▪ the proposed deep soil provision would support mature tree planting across the site which will positively contribute to the streetscape and significant increase tree canopy cover</li> <li>▪ the proposed deep soil exceeds the minimum deep soil requirements in the Apartment Design Guide (ADG) and Sydney DCP 2012.</li> </ul> <p>The proposal will ensure a net increase in the total deep soil area compared to what currently exists on site.</p> <p>The proposal exceeds the ADG solar access and ventilation requirements.</p> <p>The Transport Impact Assessment prepared by LMT Consulting (<b>Appendix K</b>) utilises the indicative reference scheme for the proposal to assess the compliance of the parking rates against the non discretionary standards.</p> <p>As outlined in the EIS and TIA, the proposal complies with the non discretionary minimum standards for the proposed development.</p>		

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	<p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p> <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p>			
<b>20 Design requirements</b>	<p>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	Noted – this proposal seeks approval for the concept envelope only. Further detail on the design of the future development will be provided in the future detailed SSDA.	Not applicable.	
<b>21 Must be used for affordable housing for at least 15 years</b>	<p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p> <p>the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p> <p>(2) This section does not apply to development carried out by or on behalf of the</p>	<p>The proposed development will include 15% GFA as affordable housing which will be managed by a registered community housing provider from the day the occupation certificate is issued.</p> <p>The affordable housing components of the development will be managed by the Bridge Housing – a Tier 1 Community Housing Provider (CHP) registered under the National Regulatory System for Community Housing.</p> <p>The proposal is not being carried out on or on behalf of the Aboriginal Housing Office or Land and Housing Corporation.</p>	Yes	<b>Appendix Z</b>

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	Aboriginal Housing Office or the Land and Housing Corporation.			
<b>Chapter 4 Division Design of residential apartment development</b>	Chapter 4 of the Housing SEPP relates to the design of residential apartment development. by promoting sustainability, enhancing built form and aesthetics, and ensuring the safety and security of residents. It addresses the diverse housing needs of the community, supports housing affordability, and seeks to minimise environmental impact. Additionally, it facilitates efficient assessment of development applications, recognising the significant benefits of high-quality design.	The proposal seeks concept approval only. Assessment against the detailed design of proposed building will be undertaken in the future SSDA.	Yes	
<b>Sydney Local Environmental Plan 2016</b>				
<b>1.2 Aims of the Plan</b>	<p>The particular aims of this Plan are as follows—</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney,</p> <p>(b) to support the City of Sydney as an important location for business, educational and cultural activities and tourism,</p> <p>(c) to promote ecologically sustainable development,</p>	The proposal aligns with the aims of the Plan by supporting the development of a centrally located, high-quality apartment building which supports housing diversity and affordability. Furthermore, the proposal will remove a detracting building from the Potts Point HCA, improving the amenity and heritage outcomes for Macleay Street. The future design will incorporate the principles of ecologically sustainable development.	Yes	<b>Section 4</b>

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	<p>(d) to encourage the economic growth of the City of Sydney by—</p> <p>(i) providing for development at densities that permit employment to increase, and</p> <p>(ii) retaining and enhancing land used for employment purposes that are significant for the Sydney region,</p> <p>(e) to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing,</p> <p>(f) to enable a range of services and infrastructure that meets the needs of residents, workers and visitors,</p> <p>(g) to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport,</p> <p>(h) to enhance the amenity and quality of life of local communities,</p> <p>(i) to provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres,</p> <p>(j) to achieve a high quality urban form by ensuring that new development exhibits</p>			



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	<p>design excellence and reflects the existing or desired future character of particular localities,</p> <p>(k) to conserve the environmental heritage of the City of Sydney,</p> <p>(l) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.</p>			
<b>2.3 Land use zoning</b>	<p>The site is zoned MU1 Mixed use. The objectives of the MU1 zone are:</p> <p><i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i></p> <p><i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i></p> <p><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></p> <p><i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i></p> <p><i>To ensure land uses support the viability of nearby centres.</i></p> <p><i>To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public</i></p>	<p>The site is zoned MU1 Mixed Use, in which the proposed shop top housing is permissible with consent.</p> <p>The proposed development is consistent with the objectives of the MU1 zone in that:</p> <ul style="list-style-type: none"> <li>It will support the delivery of ground floor retail, supporting an activated streetscape and contributing to a diverse business offering.</li> <li>The proposal is highly compatible with the neighbouring R1 General Residential zone.</li> <li>The proposal will support the function of Macleay Street as a vibrant mixed-use centre.</li> </ul>	Yes	<b>Section 4</b>

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	<i>transport patronage and encourage walking and cycling.</i>			
<b>4.3 Height of Buildings</b>	The maximum height of buildings for the site is as follows: 35m	The proposed development is eligible for an additional 30% above the maximum building height under the Sydney LEP. The maximum permissible height under the Sydney LEP is 35m, making the maximum permissible height under the Housing SEPP 45m. The maximum height with the 10% design excellence bonus (Pursuant to Clause 6.21D of the Sydney LEP is 50.05m.)	Yes	<b>Section 4</b>
<b>4.4 Floor Space Ratio</b>	The floor space ratio for the site is 3:1	<p>The applicable FSR under the Sydney LEP is 3:1. Applying the 30% additional FSR, the maximum FSR enabled by the Housing SEPP is 3.9:1 (5,027.1m<sup>2</sup>). Furthermore, the site will be seeking a 10% design excellence bonus in accordance with clause 6.21D of the Sydney LEP 2012. The maximum permissible FSR with the 10% design excellence bonus and 30% affordable housing bonus is 4.29:1, allowing for a total permissible GFA of 5,529.8m<sup>2</sup>.</p> <p>The proposed development complies with the maximum FSR limit including the 40% height bonus under the Housing SEPP and Sydney LEP.</p>	Yes	<b>Section 4</b>
<b>5.10 Heritage Conservation</b>	The consent authority must consider the effect of the proposed development on the heritage significance of a heritage item or conservation area.	<p>The proposal is situated within the C51 Potts Point Heritage Conservation Area (Local Heritage Item). The site also adjoins several heritage items, listed below:</p> <p>Item 1139 – Terrace house “Santa Fe” including interior.  Item 1140 – Former artists’ studio “The Yellow House” including interior.  Item 1141 – Flat building “Wirrawa” including interior.</p>	Yes	<b>Appendix X</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
		<p>Item 591 – Flat building “Macleay Regis” including interior.</p> <p>Item 1198 – Flat building including interior.</p> <p>A Heritage Impact Statement has been prepared by John Oultram Heritage and Design and provides a thorough assessment of the proposal against the relevant guidelines. The report makes the following conclusions:</p> <ul style="list-style-type: none"> <li>▪ The property at 45-53 Macleay Street does not meet any of the Heritage Manual criteria for identification as places of local significance.</li> <li>▪ The historic significance of the place largely relates to the earlier buildings on the site that were demolished for the apartments.</li> <li>▪ The building is an undistinguished example of its type.</li> <li>▪ The building is associated with an architect of note (Hugo Stossel) but is a modest example of his work and is not a seminal or influential design.</li> <li>▪ The building could not be considered a contributory element in the Potts Point Heritage Conservation Area.</li> </ul>		
<b>5.21 Flood Planning</b>	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development is compatible with the flood function and behaviour on the land, and will not adversely affect flood behaviour in a way that results in detrimental increases in the	<p>A Flood Impact and Risk Assessment (FIRA) has been prepared by Arcadis in support of this application (Appendix V).</p> <p>The FIRA confirms that whilst the site is impacted by flooding in the 1% AEP and PMF flood events, most of the proposed development lies outside the extents of flooding. The 1% AEP flood level varies from 26.605m AHD at the north-west corner of the site adjoining</p>	Yes	<b>Appendix V</b> <b>Section 6.2</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	potential flood affectation of other development or properties.	<p>McDonald Street to 28.505m AHD at the south-east corner of the site adjoining Macleay Street.</p> <p>The FIRA concludes that in the post-development conditions, the 1% AEP flood levels surrounding the site have slightly decreased due to the new pedestrian path in along McDonald Street but have also slightly increased (by approximately 14mm) near the southeastern corner of the building due to minor ground level adjustments. This 14mm increase is considered a neutral impact, remains localised to the road gutter area and does not impact surrounding buildings.</p> <p>Further information can be found in <b>Section 6.2</b> of the EIS and <b>Appendix V</b>.</p>		
<b>Division 4 Design Excellence</b>				
<b>6.21 B Application of Division</b>	This Division applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies.	The future detailed SSDA will be subject to the design excellence clauses set out in Division 4 of the Sydney LEP.	Yes	<b>Appendix F</b>
<b>6.21D Competitive design process</b>	<p>(1) Development consent must not be granted to the following development to which this Division applies unless a competitive design process has been held in relation to the proposed development—</p> <p>(a) development in respect of a building that has, or will have, a height above ground level (existing) greater than—</p> <p>(i) 55 metres on land in Central Sydney, or</p> <p>(ii) 25 metres on any other land,</p> <p>(b) development having an estimated development cost of more than \$100,000,000,</p>	<p>The proposed development will have a maximum height of 50.05m (RL 78.12) or 13 storeys.</p> <p>A design competition for the future building is currently being undertaken and is expected to be finalised in mid-2025.</p> <p>The proposal will be subject to a 10% height uplift pursuant to Clause 6.21D(3a) of the Sydney LEP 2012. Further details on the outcomes of the competition will be included in the future detailed SSDA.</p> <p>The City is updating its Competitive Design Policy as part of the proposed updates, the city intends to amend</p>	Yes	<b>Appendix F</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<p>(c) development in respect of which a development control plan is required to be prepared under clause 7.20,</p> <p>(d) development for which the applicant has chosen such a process.</p>	<p>Clause 6.21D of the Sydney LEP 2012 to “permit the consent authority to award a bonus of up to 10% additional building height and up to 10% additional floor space to a building demonstrating design excellence when considering a development application resulting from a competitive process...”.</p>		
	<p>(3) A building demonstrating design excellence—</p> <p>(a) may have a building height that exceeds the maximum height shown for the land on the <a href="#">Height of Buildings Map</a> by an amount, to be determined by the consent authority, of up to 10% of the amount shown on the map, or</p> <p>(b) is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of—</p> <p>(i) the amount permitted as a result of the floor space ratio shown for the land on—</p> <p>(A) for a building for which development consent is granted under clause 6.60B—the <a href="#">Alternative Floor Space Ratio Map—Employment Sites</a> or the <a href="#">Alternative Floor Space Ratio Map—Affordable Housing Sites</a>, or</p> <p>(B) otherwise—the <a href="#">Floor Space Ratio Map</a>, and</p>	<p>The updates to the City’s Competitive Design Policy form part of the City of Sydney’s Policy and Housekeeping Amendments Planning Proposal which was discussed at a Council Committee meeting on 4 December 2023. Following the meeting, it was resolved that Council approve the planning proposal for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition. The Planning Proposal was formally put on public exhibition from 17 December 2024 until 28 February 2025.</p> <p>It is anticipated the amendments to the Competitive Design Policy will be adopted at the time of SSDA lodgement.</p> <p>Accordingly, the Proponent will pursue up to an additional 10% floor space and height under clause 6.21D(3)(b)(i) of the LEP as a result of undertaking a Competition, in accordance with the Policy and as supported by the Design Excellence Strategy.</p>		

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	(ii) any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.			
<b>Part 7 Division 1 Car parking ancillary to other development</b>				
<b>7.5 Residential flat buildings, dual occupancies and multi dwelling housing</b>	<p>Maximum car parking rates apply to the proposal, including residential rates, business premises rates and retail premises rates.</p> <p>(b) on land in category B—</p> <p>(i) for each studio dwelling—0.2 spaces, and</p> <p>(ii) for each 1 bedroom dwelling—0.4 spaces, and</p> <p>(iii) for each 2 bedroom dwelling—0.8 spaces, and</p> <p>(iv) for each 3 or more bedroom dwelling—1.1 spaces, and</p> <p>(v) for each dwelling up to 30 dwellings—0.167 spaces, and</p> <p>(vi) for each dwelling more than 30 and up to 70 dwellings—0.1 spaces, and</p> <p>(vii) for each dwelling more than 70 dwellings—0.05 spaces,</p>	<p>The Reference Scheme prepared for the proposal will provide 58 parking spaces.</p> <p>The proposed car parking complies with the non-discretionary standards pursuant to Part 2 Division 1 of the Housing SEPP. As such, any existing or future parking provision under the Sydney LEP cannot be used as a standard for refusal.</p>	Yes	<b>Appendix K</b>
<b>7.7 Retail spaces</b>	<p>(1) (Repealed)</p> <p>(2) The maximum number of car parking spaces for a building used for the purposes of retail premises is as follows—</p> <p>(a) if the building is on land in category E—1 space for each 60 square metres of gross</p>	<p>Four parking spaces for the retail uses are proposed – aligning with the maximum parking controls specified in the City of Sydney LEP for retail uses of 1 space / 50m<sup>2</sup>.</p>	Yes	<b>Appendix K</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<p>floor area of the building used for those purposes,</p> <p>(b) if the building is on land in category F—1 space for each 50 square metres of gross floor area of the building used for those purposes,</p> <p>(c) if the building is on land in category D and has a floor space ratio of no more than 3.5:1—1 space for each 90 square metres of gross floor area of the building used for those purposes,</p> <p>(d) if the building is on land in category D and has a floor space ratio greater than 3.5:1, the following formula is to be used—  <math display="block">M = (G \times A) \div (50 \times T)</math> </p>			
<b>7.27 Active Street Frontages</b>	Properties identified on the Active Street Frontages Map must be designed in accordance with the provisions of clause 7.27.	The subject site is not identified on the Active Street Frontages Map. However, the proposal will establish an active frontage as a result of having retail uses on the ground floor.	Yes	<b>Appendix G</b>
<b>Draft Environmental Planning Instruments</b>				
<b>DRAFT Sydney Local Environmental Plan – City of Sydney Policy and Housekeeping Planning Proposal (PP-2024-709)</b>				
<b>Amendment 1 – Deep soil</b>	A new provision in Sydney LEP 2012 and Green Square Town Centre LEPs will require the consent authority to consider if development provides a deep soil zone sufficient for tree planting.	<p>The exact deep soil provision will be determined as part of the future detailed SSDA on the site.</p> <p>However, Concept Landscape Plans (<b>Appendix P</b>) provide ample soft landscaping and deep soil zones. The plan dedicates 10% of the total site area to deep soil, which complies with the current DCP requirements</p>	Yes	<b>Appendix P</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS													
Amendment 3 – Parking in new developments	This amendment proposes changes to on-site car parking controls, including changes to maximum parking rates reflecting the delivery of new public transport infrastructure and other changes to the City’s planning framework. The changes only affect new development. Clause 7.5 – amended maximum parking rates for residential flat buildings and co-living housing. Clause 7.5 – new provision for visitor parking spaces in proportion with residential parking spaces.	The Site is identified as Category B in the Land Use and Transport Integration map which has the following amended car parking rates for residential dwellings.	Yes	Appendix K													
		<table><tr><td>The proposed dwelling</td><td>Proposed car parking</td><td>Amended maximum rates</td></tr><tr><td>Studio</td><td rowspan="3">4</td><td>0.15</td></tr><tr><td>1 bed x 4</td><td>0.4</td></tr><tr><td>2 bed x 1</td><td>0.7</td></tr><tr><td>3-bed plus x 29</td><td>41</td><td>1</td></tr></table>			The proposed dwelling	Proposed car parking	Amended maximum rates	Studio	4	0.15	1 bed x 4	0.4	2 bed x 1	0.7	3-bed plus x 29	41	1
		The proposed dwelling			Proposed car parking	Amended maximum rates											
		Studio			4	0.15											
		1 bed x 4				0.4											
2 bed x 1	0.7																
3-bed plus x 29	41	1															
The Site is identified as Category F in the Public Transport Accessibility Level map which has the following amended car parking rates for office / business premises:																	
<table><tr><td>Type of development</td><td>Rate</td><td>Propose</td></tr><tr><td>Retail development</td><td>1 per 50sqm of GFA</td><td>4</td></tr></table>	Type of development	Rate	Propose	Retail development	1 per 50sqm of GFA	4											
Type of development	Rate	Propose															
Retail development	1 per 50sqm of GFA	4															
The proposed car parking complies with the non-discretionary standards pursuant to Part 2 Division 1 of the Housing SEPP. As such, any existing or future parking provision under the Sydney LEP cannot be used as a standard for refusal.																	
Amendment 8 – Design excellence processes and	6.21 – The City are also proposing to add ‘internal layout and amenity’ and ‘deep soil	The proposal seeks to gain a 10% FSR and a 10% height bonus in accordance with this proposed provision. The design excellence strategy and Design	Yes	Section 4													



Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
site specific development control plans	and tree plantings' as considerations for demonstrating design excellence.  6.21 – permit an additional 10 per cent height <b>and</b> FSR to a building demonstrating design excellence	Competition Brief for the site were prepared in accordance with these proposed provisions and have subsequently been endorsed by the Government Architect (January 2025).  Furthermore, it is anticipated that the proposed provisions will be adopted prior to the lodgement of the future detailed SSDA. This proposal will ensure that the future detailed SSA will comply with the relevant Design Excellence conditions at the time of lodgement.		

## Sydney Development Control Plan 2012

### Section 2: Locality Statements

2.4.4 Potts Point Principles	<p><i>(a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</i></p> <p><i>(b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.</i></p> <p><i>(c) Protect views to the City skyline from Challis Avenue and Victoria Street.</i></p> <p><i>(d) Maintain significant planting along Macleay and Victoria Streets, and median planting and small front gardens along the east-west streets.</i></p> <p><i>(e) Maintain and enhance the dynamic mix of uses.</i></p>	The proposal will enable the redevelopment of the subject site to a scheme that is highly compatible with its surrounding context. The proposed development will significantly enhance the locality by integrating residential and commercial spaces, fostering a vibrant, mixed-use environment. The future design will be selected through a design excellence competition and will therefore provide an improved outlook compared to what is currently situated on site. The site will be compatible with the existing medium to high-density nature of Macleay Street's built context.	Yes	Appendix H
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Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<p><i>(f) Retain existing buildings in their landscape setting.</i></p> <p><i>(g) Maintain and reinforce the asymmetry of Macleay Street's built form with predominantly 9 storeys along the eastern side and 3 to 5 storeys along the western side.</i></p> <p><i>(h) Retain existing tall buildings along the western side, for example 'Byron Hall' as skyline elements within the lower street frontage heights.</i></p> <p><i>(i) Encourage buildings with narrow frontages and party-wall or small building separations along street fronts including Macleay Street and from Challis Avenue to the north where residential apartments are common.</i></p> <p><i>(j) Maintain the predominant side, front and street setback and alignment in Wylde Street.</i></p> <p><i>(k) Maintain the small lot subdivision and predominant terrace building type along Victoria Street.</i></p>			
<b>Section 3: General Control</b>				
<b>3.2.3 Active Frontages</b>	A diverse range of activities should be provided at street level to reinforce the vitality and liveliness of the public domain. Active frontages to streets are encouraged so activities within buildings can positively contribute to the public domain. Such uses include retail, customer service areas, cafes	The proposed concept envelope will allow for active uses at ground level. The future design of the building will incorporate details to ensure that the street is positively addressed in accordance with the provisions of this control.	Yes	<b>Appendix H</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	and restaurants, and other uses that involve pedestrian interest and interaction. Outdoor dining areas may also contribute to active street frontages in appropriate circumstances.			
<b>3.3 Design Excellence and Competitive Design Process</b>				
<b>3.3.1 Competitive design process</b>	A design competition must be undertaken in accordance with the relevant policies, policies, practises and the Sydney LEP.	The future design for the proposal is subject to a design excellence competition. The competitive process is to be undertaken in accordance with the City of Sydney Competitive Design Policy (the Policy), the Government Architect NSW Design Competition Guidelines (Guidelines) (dated September 2023), Clause 6.21 of the Sydney LEP, and the Competitive Design Process Brief.	Yes	<b>Appendix F</b>
<b>3.3.2 Design excellence strategy</b>	A design excellence strategy must be prepared and approved as part of a site specific DCP or Concept Development Application	The future design of the proposal will be determined through a competitive design process. The Design Excellence Strategy was endorsed by the Government Architect on January 29, 2025.	Yes	<b>Appendix F</b>
<b>3.3.4 Awarding additional height</b>	<p>(1) Additional height available under Clause 6.21D of the Sydney LEP 2012 must be located on the building which is subject to the competitive design process.</p> <p>(2) Awarding additional height is at the discretion of the consent authority and is dependent on the building achieving design excellence with the additional height included in the design.</p>	The proposal seeks approval for a concept envelope that benefits from the 10% design excellence bonus for height pursuant to Clause 6.21D of the Sydney LEP.	Yes	<b>Section 4</b>
<b>3.5 Urban Ecology</b>				

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
<b>3.5.3 Tree management</b>	<p>A permit or development consent is required to ringbark, cut down, top, lop, prune, remove, injure or wilfully destroy a tree that:</p> <p>(a) has a height of 5m or more; or  (b) has a canopy spread of over 5m; or  (c) has a trunk diameter of more than 300mm, measured at ground level;  or  (d) is listed in the Register of Significant Trees.</p>	<p>An Arborist Report has been prepared which identifies seven street trees immediately adjoining the site (in Council's public domain) on Macleay Street and McDonald Street.</p> <p>Of these trees, major encroachments are expected to three trees as a result of the proposed development.</p> <p>To protect and retain these trees, the Arborist Report recommends the basement is setback at least 2m from the eastern property boundary. Based on this recommendation, a 2m setback has been adopted for the basement to ensure the ongoing viability and health of the trees. The Arborist report also recommends detailed tree protection measures for the demolition, excavation and construction phases of the proposal. As this concept application does not seek consent for physical works, these measures will be included as part of a future detailed application on the site.</p>	Yes	<b>Appendix Q</b>
<b>3.6 Ecologically Sustainable Development</b>	<p>This section sets out objectives and controls to provide a framework for the application of ecologically sustainable development principles in the design, construction and operation of buildings across the City of Sydney local government area.</p>	<p>An Ecologically Sustainable Development (ESD) Report has been prepared for this application. The ESD strategies contained in the report will assist the development in achieving high levels of sustainability and environmental performance.</p> <p>These targets include:</p> <ul style="list-style-type: none"> <li>▪ Meeting the minimum legislated BASIX benchmarks: <ul style="list-style-type: none"> <li>– BASIX Energy 60%</li> <li>– BASIX Water 40%</li> </ul> </li> <li>▪ Delivering a high level of thermal performance, demonstrated through a 7-star average and 6-star minimum NatHERS rating across the development</li> </ul>	Yes	<b>Appendix R</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
		<ul style="list-style-type: none"> <li>Following a range of sustainability initiatives across the site spanning energy efficiency, water efficiency, indoor environment quality, waste management, and comfort.</li> </ul>		
<b>3.7 Water and Flood Management</b>				
<b>3.7.1 Site specific flood study</b>	When required by Clause 7.15 of Sydney LEP 2012, a site-specific flood study is to be prepared by a suitably qualified and experienced hydrologist in accordance with the NSW Floodplain Development Manual 2005, the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, NSW Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks In Coastal Risk Assessments and the NSW Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks In Flood Risk Assessments.	<p>In accordance with the SEARS, a Flood Impact and Risk Assessment (FIRA) has been prepared by Arcadis. This assessment has been written in accordance with the relevant guidelines and assesses the potential flood risk for the site.</p> <p>The FIRA confirms that whilst the site is impacted by flooding in the 1% AEP and PMF flood events, most of the proposed development lies outside the extents of flooding. The 1% AEP flood level varies from 26.605m AHD at the north-west corner of the site adjoining McDonald Street to 28.505m AHD at the south-east corner of the site adjoining Macleay Street.</p>	Yes	<b>Appendix V</b>
<b>3.7.3 Stormwater quality</b>	This control requires sites greater than 1,000sqm to undertake a stormwater quality assessment.	<p>In accordance with the SEARS, Arcadis have prepared a Stormwater Management Plan and Concept Drainage Plans to guide the redevelopment of the site.</p> <p>The proposed stormwater management system for the development includes:</p> <ul style="list-style-type: none"> <li>A pit and pipe network to collect minor storm runoff from surface areas which will minimise nuisance flooding</li> <li>A tank for roof drainage connecting to the pipe network</li> </ul>	Yes	<b>EIS (Section 6.2)</b>  <b>Appendix BB</b>  <b>Appendix L</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
		<ul style="list-style-type: none"> <li>Notably, based on City of Sydney Council requirements and confirmation from Sydney Water, an OSD tank is not required on-site.</li> </ul> <p>For further information please refer to section 6.2 of the EIS and <b>Appendix L</b> and <b>Appendix BB</b>.</p>		
<b>3.9 Heritage</b>				
<b>3.9.1 Heritage Impact Statement</b>	Heritage Impact Statements are to support development applications concerning heritage items or located in Heritage Conservation Areas.	<p>A Heritage Impact Statement has been prepared by John Oultram Heritage &amp; Design. The Heritage Impact Statement reached the following conclusions about the existing building on site:</p> <ul style="list-style-type: none"> <li>The property at 45-53 Macleay Street does not meet any of the Heritage Manual criteria for identification as places of local significance.</li> <li>The historic significance of the place largely relates to the earlier buildings on the site that were demolished for the apartments.</li> <li>The building is an undistinguished example of its type.</li> <li>The building is associated with an architect of note (Hugo Stossel) but is a modest example of his work and is not a seminal or influential design.</li> <li>The building could not be considered a contributory element in the Potts Point Heritage Conservation Area.</li> </ul>	Yes	<b>Appendix X</b>
<b>3.9.6 Heritage conservation areas</b>	New development in heritage conservation areas must be designed to respect neighbouring buildings and the character of the area, particularly roofscapes and window proportions. Infill development should enhance and complement existing character but not replicate heritage buildings.	The subject site is situated in the Potts Point Heritage Conservation Area. This HCA is valued for its turn-of-the-century and Inter-war residential development, symmetrical masonry construction, intact foyers, and fine street planting.	Yes	<b>Appendix X</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
		A future detailed application on the site would ensure the architectural design respects neighbouring buildings and the character of the area.		
<b>3.9.9 Detracting Buildings</b>	<p>Detracting buildings are buildings that are intrusive to a heritage conservation area because of inappropriate scale, bulk, setbacks, setting, design or materials. They do not represent a key period of significance and detract from the character of a heritage conservation area.</p> <p>(1) Development on sites containing detracting buildings is to improve the contribution of the site to the character of the heritage conservation area.</p> <p>(2) Alterations and additions to, or redevelopment of, detracting buildings are to:</p> <p>(a) remove inappropriate elements or features that are intrusive to the heritage significance of the heritage conservation area; and</p> <p>(b) respect the prevailing character of the area and street in terms of bulk, form, scale and height.</p>	<p>The property is identified as a 'Detracting building' on the Building Contributions Map for the conservation area. As such, the proposed development is largely seen as an improved outcome for the heritage significance of Macleay Street.</p> <p>The future detailed design will address how the building will integrate into the site's heritage context.</p>	Yes	<b>Appendix X</b>
<b>3.11 Transport and Parking</b>				
<b>3.11.3 Bike parking and associated facilities</b>	<p>Bike parking spaces for new developments are to be provided in accordance with the rates set out in Table 3.5 On-site bike parking rates.</p> <p>Residential rates:</p>	Whilst the proposal seeks concept approval only, the Traffic Impact Assessment demonstrates that the reference scheme provided as part of the proposal complies with the DCP requirements.	Yes	<b>Appendix K</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<ul style="list-style-type: none"> <li>Residents: 1 space / dwelling</li> <li>Visitors: 1 space / 10 dwellings</li> <li>Retail staff: 1 space per 250m2</li> <li>Retail visitors: 2 spaces plus 1 space per 100m2 over 100m2</li> </ul>	The final location and layout of the bicycle parking will be confirmed at the time of the detailed Development Application for the site.		
<b>3.11.4 Vehicle parking</b>	<p>For residential buildings, car parking spaces are to be allocated to dwelling units in accordance with parking rates in the Sydney LEP 2012 and are to be a part lot to a dwelling unit in a strata plan so that they remain connected to the dwelling.</p> <p>All visitor spaces are to be grouped together in the most convenient locations relative to car parking area entrances, pedestrian lifts and access points and are to be separately marked and clearly sign-posted.</p>	Vehicle parking is proposed in accordance with Part 7, Division 1 of the Sydney LEP 2012. It is noted that within the reference scheme, car spaces for retail and visitor use are located together on Basement Level 1.	Yes	<b>Appendix K</b>
<b>3.11.9 Accessible parking</b>	<p>For residential development, accessible car parking spaces are to be allocated to adaptable units, or as visitor parking. Accessible car parking spaces allocated to adaptable dwelling units are to form part of the lot of the associated adaptable unit in the strata plan.</p>	<p>Accessible parking spaces (including adjacent shared areas) will be provided in the basement which has been designed in accordance with AS2890.6.</p> <p>The final car parking layout will be confirmed at the time of the detailed Development Application for the site.</p>	Yes	<b>Appendix K</b>
<b>3.11.6 Service vehicle parking</b>	<p>Separate parking spaces for service vehicles are to be provided in accordance with Schedule 7 Transport, parking and access, and are not to be shared with parking provided for any other purpose.</p>	<p>A single loading bay has been provided via the access driveway on McDonald street. The bay meets the requirements of the City of Sydney DCP (2012), which notes that one service vehicle parking space is required for the first 50 dwellings or serviced apartments of a development.</p>	Yes	<b>Appendix K</b>



Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
		An 11m diameter turntable is provided so that vehicles can enter and exit the site in a forwards direction. This provides a significant improvement to the current environment by providing for all loading activity on site, compared to current conditions which require service vehicles to utilise on-street parking areas.		
<b>3.13 Social and Environmental Responsibilities</b>	<p>A Social Impact Assessment may be required for development applications proposing significant residential development, hazardous or offensive uses, major infrastructure, community and recreational uses, large medical facilities, educational facilities, and some business premises.</p> <p>At the discretion of Council, the preparation of a Social Impact Assessment may be required for any development.</p>	<p>A Social Impact Assessment (SIA) has been prepared by Urbis in support of this concept SSDA (<b>Appendix U</b>). It provides an overview of the locality, its 'social baseline' and the existing social infrastructure. Following from this, it provides an assessment of the potential social impacts of the proposal and identifies appropriate mitigation and enhancement measures.</p> <p>For detail on the proposal's social impact, please refer to the SIA report at appendix U</p>	Yes	<b>Appendix U and Section 6.2</b>
<b>3.14 Waste</b>				
<b>3.14.1 Waste and Recycling Management Plans</b>	<p>A Waste and Recycling Management Plan is to be submitted with the Development Application and will be used to assess and monitor the management of waste and recycling during construction and operational phases of the proposed development. The Waste and Recycling Management Plan is to be consistent with the City of Sydney Guidelines for Waste Management in New Developments.</p>	<p>A Waste Management Plan has been prepared by SLR. The report has been written in accordance with the SEARS and the City of Sydney's Guidelines for Waste Management in New Developments and NSW EPA (2014) Waste Classification Guidelines.</p> <p>Refer to Appendix T for further detail on the indicative construction and operational waste calculations for the proposal.</p>	Yes	<b>Appendix T</b>
<b>Section 4- Development Types</b>				
<b>4.2 Residential Flat, Non-Residential and Mixed Use Developments</b>				

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
4.2.1 Building height	(1) Development must not exceed the maximum number of storeys as shown in the Building height in storeys map.	The proposal is subject to additional height bonuses pursuant to Clause 6.21D of the Sydney LEP and Part 2 Division 1 of the Housing SEPP.	Yes	Section 4
	(2) The maximum may only be achieved where it can be demonstrated that the proposed development:	The accompanying Design Report prepared by SJB details strategies to ensure that the future detailed design reinforces the neighbourhood character of the surrounding buildings, which will be further refined during the assessment of the detailed design SSDA.		
	(a) reinforces the neighbourhood character;			
	(b) is consistent with the scale and form of surrounding buildings in heritage conservation areas; and			
	(c) does not detract from the character and significance of the existing building.			
	(3) The street frontage height of a building must not exceed the maximum height shown on the Building street frontage height in storeys map. Refer to provision 4.2.2 Building setbacks, to determine the street frontage height setback.			
(4) Where the Street frontage height of buildings map does not indicate the maximum height, the maximum street frontage height must generally be consistent with the street frontage height in storeys of adjacent buildings, or the predominant street frontage height in storeys in the vicinity of the proposed building.				
(5) Height of buildings and the street frontage height in storeys should not match anomalous				

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	tall neighbouring buildings that are inconsistent with the neighbourhood.			
<b>4.2.2 Building setbacks</b>	Setbacks are to be consistent with the setbacks shown in the Building setback and alignment map. Where no setback or alignment is shown on the map, the setback and alignment must be consistent with adjoining buildings. When the setback or alignment varies, either the adjacent or average front setback or alignment is to be adopted.	The site is not allocated specific setbacks in the setback and alignment map. The proposed setbacks align with the prevailing street pattern in the vicinity.	Yes	<b>Appendix H</b>
<b>4.2.3.1 Solar access</b>	<p>(1) Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm on 22 March and 21 June. In some cases, Council may require hourly intervals.</p> <p>(2) Proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area. Note: This provision applies to at least 70% of the apartments in a development (in accordance with the requirements of the NSW Residential Flat Design Code 2002).</p> <p>(3) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable</p>	<p>The Design Report includes shadow diagrams and sun eye views at 15 minute intervals between 9am and 3pm (inclusive) on 21 June.</p> <p>The shadow impacts of the proposal have been considered at Section 6.1.3 of the EIS and are considered acceptable.</p> <p>Through the detailed design process, including the design competition, the built form on the site would be further modulated to reduce overshadowing impacts to neighbouring buildings. The proposed shadow impacts of the development are therefore considered appropriate for the subject site and would be reduced through further detailed design.</p>	Yes	<b>Appendix H</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	rooms and 50% of the private open space between 9am and 3pm on 21 June.  (4) Where the consent authority considers that the level of daylight access to living rooms of proposed dwellings may be inadequate, the applicant will be required to provide a Daylight Report. A Daylight Report is to include an analysis of daylight levels in principal living spaces of residential units and serviced apartments with and compliance with the DCP			
<b>4.2.3.5 Landscaping</b>	This control mandates that new development applications include a comprehensive landscape plan prepared by a qualified landscape architect. The plan must detail the planting schedule, mature trees on-site, and external features such as paving and fencing. It also requires the retention of natural features like cliff lines and rocky outcrops, and designs must minimise impacts on significant trees both on-site and nearby. Additionally, the control emphasises the use of water-efficient, native plant species and strategic placement of vegetation to manage sun and wind impacts.	A Landscape Plan has been prepared by Black Beetle.  The proposal includes 50% landscaped area coverage, including ground level and roof planting. The planting scheme includes a range of native and introduced species and additional areas for deep soil.  The landscape plan is a concept only. Further refinement is expected at the detailed DA stage	Yes	<b>Appendix P</b>
<b>4.2.3.6 Deep soil</b>	The following deep soil provisions do not apply to development in Central Sydney.  (1) The minimum amount of deep soil is to be 10% of the site area. (2) For lots greater than 1,000sqm, the deep soil area is to be consolidated with a minimum dimension of 10m.	The concept landscape plan dedicates 10% of the total site area to deep soil. The deep soil zone is consolidated on the western frontage of the building.	Yes	<b>Appendix P</b>

Statutory Reference	Relevant Considerations	Relevance	Consistent	Section in EIS
	<p>(3) All remaining deep soil areas are to have a minimum dimension of 3m.</p> <p>(4) Where site conditions allow, the deep soil is to be consolidated as one area to assist with the ease of drainage and allow for effective deep soil planting.</p>			
<b>4.2.3.8 Common Open Space</b>	Provide an area of common open space under common title that is at least 25% of the total site area and has a minimum dimension of 6m. The calculation of the required area of common open space is to exclude driveways, parking areas, essential access paths such as fire escape routes, indoor gymnasiums and outdoor clothes drying areas.	The concept plan provides several opportunities for communal open space on ground and rooftop spaces.	Yes	<b>Appendix P</b>
<b>4.2.3.12 Flexible housing and dwelling mix</b>	<p>Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix:</p> <p>(a) Studio: 5 - 10%;</p> <p>(b) 1 bedroom: 10 – 30%</p> <p>(c) 2 bedroom: 40 – 75%; and</p> <p>(d) 3+ bedroom: 10 - 100%</p> <p>The maximum percentage of 1 bedroom dwellings may be increased above 30% provided that the numbers of studio dwellings and 1 bedroom dwellings combined does not exceed 40% of the total dwellings proposed.</p>	<p>This proposal seeks approval for the concept building envelope only. Further design refinement will take place through the design competition and the detailed SSDA.</p> <p>The reference scheme prepared by SJB Architects provides the following dwelling mix:</p> <ul style="list-style-type: none"> <li>▪ 1 bedroom: 4 units (12%)</li> <li>▪ 2 bedroom: 3 unit (9%)</li> <li>▪ 3 bedroom: 27 units (79%)</li> <li>▪</li> </ul> <p>The reference scheme is indicative only. Further detail on the apartment mix will be provided at the detailed SSDA stage once the detailed design has been confirmed.</p>	Yes	<b>Appendix H</b>  <b>Appendix AA</b>